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July 21, 2014

**VIA ELECTRONIC CASE FILING**

The Honorable Gary R. Brown  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 840  
Central Islip, NY 11722

**Re: Rivera v. Harvest Bakery, et al.**  
**Case No.: 13-CV-0691 (ADS)(GRB)**

Your Honor:

This firm is counsel to Defendants in the above-referenced matter. We write in response to Mr. Romero's July 18<sup>th</sup> letter.

Initially we must ask that Mr. Romero's letter motion be denied as he has utterly failed to comply with Your Honor's rules and local rules which mandate that the parties meet and confer prior to making an application to the court for discovery related matters.

On July 18<sup>th</sup>, after calling my office and being told that I was scheduled to be on trial, Mr. Romero wrote the July 18<sup>th</sup> letter attached to his application and emailed it to my office. After his letter was forwarded to an associate he was again advised that I would be out of the office until Monday (today) and that I would call him then. Immediately upon being sent that email he filed the instant application before Your Honor.

Apparently Mr. Romero is not cognizant of the fact that we are forced to share Your Honor's attentions with the remainder of the Eastern District. Whereas we have come to expect that he is not going to be courteous or professional, he owes a level of professionalism to Your Honor which was not exhibited here. We respectfully request that Your Honor carefully and creatively fashion a punishment the fits this particular transgression.



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With regard to the nature of the dispute, I have been on trial for an extended period of time. My client has similarly been unavailable to prepare the responses in compliance with Your Honor's order as he and his family were on a pre-planned vacation out of state. We therefore respectfully request, in addition to the penalty asked for above, that Defendant be granted until Monday, July 28, 2014 to provide the information contained within Your Honor's July 7, 2014 order.

Counsel remains available should Your Honor require additional information in connection with this application.

Respectfully submitted,

**ZABELL & ASSOCIATES, P.C.**

Saul D. Zabell

Encl.

cc: Peter A. Romero, Esq. (*via* ECF)